

JUDGE LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL AMBAW, et al.

Defendants.

CASE NO. CR 05-260 L

DEFENDANT ERICKSON'S
REQUEST FOR TIMELY RULING ON
RELEASE MOTION

Defendant by and through his undersigned counsel, requests that his Motion for Order Setting Conditions of Release filed on October 17 be promptly set for hearing and/or be ruled upon. USPO Kelly Hunt Neumeister has indicated that the issue remains under consideration by her office even though the defendant was interviewed by PTS on October 13.

At least the spirit of the Speedy Trial Act suggests a prompt determination of a detention order that was initially entered without defense objection. Under 18 U.S.C. sec. 3142(f) the detention hearing may be reopened when, as here, new information is sought to be presented that would have a material bearing on the questions of defendant's flight risk and safety. Moreover, a prompt resolution of our pending request would be in keeping with the spirit of the Act. See. e.g. sec. 3142 (favoring release to detention); 3142(f) (requiring detention hearing to be held "immediately upon the person's first appearance") ; and 3145 (b)(motion to review detention order "shall be determined promptly" by the district court).

DEFENDANT ERICKSON'S REQUEST FOR
TIMELY RULING ON RELEASE MOTION -1

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1 DATED this 2nd day of November, 2005.

2 Respectfully submitted,

3 /s/

4 _____
Kenneth E. Kanev
Attorney for Defendant

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10 CERTIFICATE OF SERVICE

11 I certify that on November 2, 2005 I electronically filed the foregoing document with
12 the Clerk of the Court using the CM/ECF system which will send notification of
13 such filing to the attorneys of all other parties of record.
14 s/ KENNETH E. KANEV

15 KENNETH E. KANEV

16 Attorney for defendant MATTHEW ERICKSON

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DEFENDANT ERICKSON'S REQUEST FOR
TIMELY RULING ON RELEASE MOTION -2

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